

Case 4:21-cr-00046-P Document 9 Filed 10/14/22 Page 1 of 14 PageID 55
CLOSED,SINGLE

U.S. District Court
Eastern District of Louisiana (New Orleans)
CRIMINAL DOCKET FOR CASE #: 2:22-mj-00138-DM-1
Internal Use Only

Case title: USA v. Beard

Date Filed: 10/12/2022

Other court case number: 4:21-CR-46-P USDC, Nothern District of Texas

Date Terminated: 10/12/2022

Assigned to: Magistrate Duty Magistrate

Defendant (1)

Hayden Beard

TERMINATED: 10/12/2022

represented by **Maura Doherty**

Federal Public Defender (New Orleans)

Hale Boggs Federal Building

500 Poydras St.

Room 318

New Orleans, LA 70130

504-589-7953

Email: maura_doherty@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender Appointment

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Lynn E. Schiffman**

DOJ-USAO

650 Poydras Street, Suite 1600

New Orleans, LA 70130

Case 4:21-cr-00046-P Document 9 Filed 10/14/22 Page 2 of 14 PageID 56

504-206-6628

Email: lynn.schiffman@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
10/12/2022	1	Minute Entry for proceedings held before Magistrate Judge Donna Phillips Currault: Initial Appearance as to Hayden Beard held on 10/12/2022. FPD appointed. Defendant Remanded. (Court Reporter Crim Mag.) (Attachments: # 1 Papers from NDTX, # 2 Criminal Magistrate Case Sheet) (cms) (Entered: 10/13/2022)
10/12/2022	2	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Hayden Beard. Signed by Magistrate Judge Donna Phillips Currault on 10/12/2022. (cms) (Entered: 10/13/2022)
10/12/2022	 3	CJA 23 Financial Affidavit by Hayden Beard (cms) (Entered: 10/13/2022)
10/12/2022	4	Minute Entry for proceedings held before Magistrate Judge Donna Phillips Currault: Detention Hearing as to Hayden Beard held on 10/12/2022. Defendant Remanded. (Court Reporter Crim Mag.) (cms) (Entered: 10/13/2022)
10/12/2022	5	ORDER OF DETENTION as to Hayden Beard. Signed by Magistrate Judge Donna Phillips Currault on 10/12/2022. (cms) (Entered: 10/13/2022)
10/12/2022	6	ORDER PURSUANT TO THE DUE PROCESS PROTECTIONS ACT as to Hayden Beard. Signed by Magistrate Judge Donna Phillips Currault on 10/12/2022. (cms) (Entered: 10/13/2022)
10/12/2022	 7	(Court only) NDTX Warrant Returned Executed on 10/11/2022 as to Hayden Beard (cms) (Entered: 10/13/2022)
10/12/2022	8	WAIVER of Rule 32.1 Hearing by Hayden Beard (cms) (Entered: 10/13/2022)
10/12/2022	9	RULE 40 COMMITMENT TO ANOTHER DISTRICT as to Hayden Beard by Magistrate Judge Donna Phillips Currault. Defendant committed to District of Northern District of Texas. (cms) (Entered: 10/13/2022)

MINUTE ENTRY
OCTOBER 12, 2022
CURRAULT, M. J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA
VERSUS
HAYDEN BEARD

CRIMINAL ACTION
NO. 22-138
SECTION: MAG

INITIAL APPEARANCE

APPEARANCES: DEFENDANT WITH/WITHOUT COUNSEL *FPO Office for Appt.
500 Royal St., New Orleans, LA 70130*
 ASSISTANT U.S. ATTORNEY DAVID BERMAN FOR LYNN SCHIFFMAN
 INTERPRETER

Designated by Court and sworn. Time: _____ M. to _____ M.

/ DEFENDANT CONSENTED TO APPEAR BY VIDEO

X DEFENDANT WAS ADVISED OF HIS RIGHTS

X READING OF THE PETITION FROM NDTX WAS:
READ WAIVED SUMMARIZED

/ DEFENDANT INFORMED THE COURT THAT COUNSEL HAS BEEN/WOULD BE RETAINED

X REQUESTED COURT-APPOINTED COUNSEL; SWORN RE FINANCIAL STATUS

X FEDERAL PUBLIC DEFENDER APPOINTED TO REPRESENT THE DEFENDANT

/ DEFENDANT FOUND NOT TO BE LEGALLY INDIGENT

MJSTAR: 00: *09*

DPL

/ BOND SET AT _____

SPECIAL CONDITIONS: (1) HE SHALL NOT COMMIT A FEDERAL, STATE OR LOCAL CRIME DURING THE PERIOD OF RELEASE; (2) HE SHALL NOT INTERFERE WITH, INTIMIDATE, THREATEN, HARM, OR INFLUENCE ANY JUROR, GOVERNMENT WITNESSES, VICTIMS OR FEDERAL AGENTS.

- GOVERNMENT ADVISED OF ITS OBLIGATIONS TO PRODUCE ALL EXCULPATORY EVIDENCE TO THE DEFENDANT PURSUANT TO *BRADY V. MARYLAND* AND ITS PROGENY AND ORDERED TO DO SO TIMELY.
- DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL. *Defendant detained temporarily until detention hearing in NDTX.*
- / DEFENDANT RELEASED ON BOND
- DEFENDANT INFORMED THAT PRELIMINARY HEARING/REMOVAL HEARING/ARRAIGNMENT IS SET FOR *Waived; to be held in NDTX*
- / HEARING TO DETERMINE COUNSEL IS SET FOR _____
- DEFENDANT INFORMED THAT DETENTION HEARING IS SET FOR *Waived; to be held in NDTX.*
- / DEFENDANT ORDERED TO RE-APPEAR FOR PRELIMINARY HEARING/REMOVAL HEARING/ARRAIGNMENT/DETENTION HEARING/HEARING TO DETERMINE COUNSEL WITH COUNSEL _____
- / THE COURT ACCEPTED DEFENDANT'S VERBAL CONSENT IN LIEU OF SIGNATURE ON THE APPEARANCE BOND AND ORDER SETTING CONDITIONS OF RELEASE.

rrr

EASTERN DISTRICT OF LOUISIANA

MAG. Number: 22-138 **Complaint/Warrant from Other District**

Defendant: Hayden Beard

Violation: Warrant from NDTX - petition

 USC

U.S. Attorney: Lynn Schiffman

Date Assigned: 10/11/2022

Interpreter Needed? Yes No

Sealed? Yes No

Court Date and Time: October 12, 2022 at 2:00 p.m.

Before Magistrate Judge: Donna Phillips Cumauet

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

VERSUS

HAYDEN BEARD

CR.NO. 22-138 MAG

ORDER

Appointing Counsel

Substituting Counsel For:

Ratifying Prior Service

Extending Appointment For Appeal

CHARGE: SUPERVISED RELEASE VIOLATION

FELONY MISDEMEANOR

The defendant, having satisfied this Court that he/she: (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, the Federal Public Defender named below is hereby appointed to represent this defendant in the above designated case until relieved by order of the District Court:

**CLAUDE KELLY, FEDERAL PUBLIC DEFENDER, HALE BOGGS FEDERAL BLDG.,
RM 318, 500 CAMP ST, NEW ORLEANS, LA 70130 PHONE: (504)589-7930**

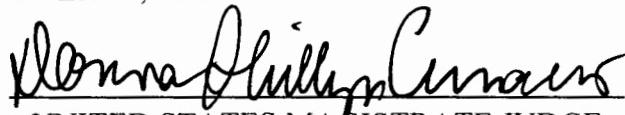
Federal Public Defender is appointed for the limited purpose of:

It appearing to the Court that although the defendant is financially unable to employ counsel, he/she is totally indigent.

IT IS FURTHER ORDERED that the defendant pay to the Clerk, U. S. District Court for services of counsel, the total amount of \$_____ to be paid within 10 working days or by _____.

IT IS FURTHER ORDERED that the defendant is to pay to the Clerk, U.S. District Court, for services of counsel, \$_____ per month. This amount is to be paid, beginning on _____, 20____, until further orders of the Court.

Dated at New Orleans, Louisiana, on OCTOBER 12, 2022


UNITED STATES MAGISTRATE JUDGE

Copy to Financial Unit Clerk (*Only if defendant is ordered to pay*)

MINUTE ENTRY

October 12, 2022
Curraulit, M.J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL ACTION

VERSUS

Hayden Beard

NO. 22-138

SECTION: Mag

DETENTION HEARING

PRESENT: X/DEFENDANT

_/DEFENDANT CONSENTED TO APPEAR BY VIDEO

X/COUNSEL FOR THE DEFENDANT FPO: Mauna Doherty

Sao Poydras St., New Orleans, LA 70130

X/ASST. U.S. ATTORNEY David Berman for Lynn Schiffman

/INTERPRETER _____
(Interpreter designated by the Court and sworn. Time _____ M. to _____ M.)

/GOVERNMENT WITNESS(ES) _____

/DEFENSE WITNESS(ES) _____

MJSTAR: 00:05

MDL

DEFENDANT

CASE NO.

THE COURT ORDERS AFTER HEARING TESTIMONY PRESENTED IN THE ABOVE CAPTIONED MATTER:

/ DEFENDANT IS ENTITLED TO RELEASE. BOND SET AT _____

SPECIAL CONDITIONS: (1) HE SHALL NOT COMMIT A FEDERAL, STATE OR LOCAL CRIME DURING THE PERIOD OF RELEASE; (2) HE SHALL NOT INTERFERE WITH, INTIMIDATE, THREATEN, HARM, OR INFLUENCE ANY JUROR, GOVERNMENT WITNESSES, VICTIMS OR FEDERAL AGENTS.

/ THE COURT ACCEPTED DEFENDANT'S VERBAL CONSENT IN LIEU OF SIGNATURE ON THE APPEARANCE BOND AND ORDER SETTING CONDITIONS OF RELEASE.

GOVERNMENT ADVISED OF ITS OBLIGATIONS TO PRODUCE ALL EXCULPATORY EVIDENCE TO THE DEFENDANT PURSUANT TO *BRADY V. MARYLAND* AND ITS PROGENY AND ORDERED TO DO SO TIMELY.

/ DEFENDANT EXECUTED THE BOND AND WAS RELEASED.

/ DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL UNTIL BOND IS PERFECTED.

DEFENDANT IS NOT ENTITLED TO RELEASE.

DEFENDANT IS ORDERED DETAINED AND REMANDED TO THE CUSTODY OF THE U.S. MARSHAL. *Pending hearing in NDTX.*

WRITTEN FINDINGS AND STATEMENT OF REASONS ORDERING DETENTION FILED.

/ IT IS STIPULATED THAT IF THE AGENT WERE CALLED TO TESTIFY, SAID TESTIMONY WOULD BE CONSISTENT WITH THAT CONTAINED IN THE COMPLAINT/AFFIDAVIT.

/ IT IS STIPULATED THAT IF THE PRETRIAL SERVICES/PROBATION OFFICER WERE CALLED TO TESTIFY, SAID TESTIMONY WOULD BE CONSISTENT WITH THAT CONTAINED IN HIS/HER REPORT.

THE DEFENDANT WAIVED STIPULATED TO DETENTION RESERVING HIS/HER RIGHT TO REOPEN *Detention Hearing in NDTX.*

OTHER: *Waiver of removal hearing excused.*

OPC

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL ACTION
VERSUS * NO. 22-138
HAYDEN BEARD * SECTION "MAG"

ORDER OF DETENTION ON
POST-TRIAL SUPERVISED RELEASE VIOLATION

The Defendant appeared before this Court for a detention hearing on OCTOBER 12, 2022 on a petition to revoke the Defendant's supervised release pursuant to rule 32.1 of the Federal Rules of Criminal Procedure.

Part I – Eligibility for Detention

The Government moved for detention pursuant to Federal Rule of Criminal Procedure 32.1, which incorporates 18 U.S.C. § 3143(a)(1). Detention is required unless the judicial officer finds, by clear and convincing evidence, that Defendant is not likely to flee or pose a danger to the safety of any other person or the community if released under § 3142(b) or (c). 18 U.S.C. § 3143(a)(1). “[T]he burden of establishing by clear and convincing evidence that the person will not flee or pose a danger to any other person or to the community rests with the Defendant.” Fed. R. Cr. P. 32.1(a)(6).

Part II – DETENTION PENDING FURTHER PROCEEDINGS

[] Defendant

[] Government

[] Defendant and Government both

moved to continue the detention hearing. That hearing is now set on *date determined by USDC NDTX*. The date of this hearing complies with the procedural timing requirements set forth in 18 U.S.C. § 3142(f). Accordingly, pursuant to 18 U.S.C. § 3142, the Defendant shall be DETAINED for the duration of the continuance until the detention hearing is held.

Part III – DETENTION STIPULATED

[] At the detention hearing, the Defendant, through counsel, **stipulated to detention/waived the right to a detention hearing** and presented no evidence to meet the burden established in Rule 32.1. The Defendant is therefore DETAINED pending a final adjudication on the petition to revoke supervised release.

Part IV: DETENTION HEARING HELD

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the Defendant **has not** carried the burden to establish, by clear and convincing evidence, that the Defendant

- [] will not flee for the reasons stated on the record **and/or**
- [] is not a danger to any other person or to the community for the reasons stated on the record.

The Defendant is therefore DETAINED pending a final adjudication on the petition to revoke supervised release.

In addition to finding that the Defendant has not carried his/her burden and any other findings made on the record at the hearing, the reasons for detention include the following:

- [] Weight of evidence against the defendant is strong
- [] Subject to lengthy period of incarceration if convicted
- [] Prior criminal history
- [] Participation in criminal activity while on probation, parole, or supervision
- [] History of violence or use of weapons
- [] History of alcohol or substance abuse
- [] Lack of stable employment
- [] Lack of stable residence
- [] Lack of financially responsible sureties
- [] Lack of significant community or family ties to this district
- [] Significant family or other ties outside the United States
- [] Lack of legal status in the United States
- [] Subject to removal or deportation after serving any period of incarceration
- [] Prior failure to appear in court as ordered
- [] Prior attempt(s) to evade law enforcement
- [] Use of alias(es) or false documents

- [] Background information unknown or unverified
 [] Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION: _____

Part IV - Directions Regarding Detention

The Defendant is remanded and committed to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility. The Defendant must be afforded a reasonable opportunity for private consultation with counsel. On order of a court of the United States or on a request of an attorney for the Government, the person in charge of the corrections facility in which the Defendant is confined must deliver the Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

New Orleans, Louisiana, this 10th day of October, 2022.



U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL

VERSUS

NO. 22-138

HAYDEN BEARD

SECTION: MAG

ORDER PURSUANT TO THE DUE PROCESS PROTECTIONS ACT

Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and hereby orders it to do so. Failing to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and/or sanctions by the Court.

New Orleans, Louisiana this 12th day of October 2022.


UNITED STATES MAGISTRATE JUDGE

AO 466 (Rev. 12/17) Waiver of Rule 32.1 Hearing (Violation of Probation or Supervised Release)

UNITED STATES DISTRICT COURT
for the
Eastern District of Louisiana

United States of America)
v.) Case No. 22-138 MAG
HAYDEN BEARD)

Defendant) Charging District's Case No. 4:21cr46 P

**WAIVER OF RULE 32.1 HEARING
(Violation of Probation or Supervised Release)**

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the (*name of other court*) Northern District of Texas.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- an identity hearing and production of the judgment, warrant, and warrant application.
 a preliminary hearing.
 a detention hearing.

an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my preliminary hearing and/or detention hearing be held in the prosecuting district, at a time set by that court.

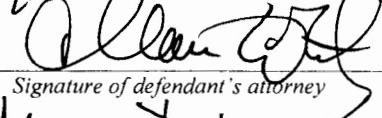
I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

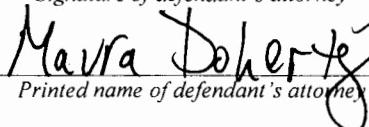
10/12/22



Defendant's signature



Signature of defendant's attorney


Maura Doherty

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
for the
Eastern District of Louisiana

United States of America)
v.)
HAYDEN BEARD) Case No. 22-138 MAG

Defendant) Charging District's
) Case No. 4:21CR46

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Northern District of Texas,
(if applicable) Forth Worth division. The defendant may need an interpreter for this language:

The defendant: will retain an attorney.

is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: October 2, 2022

Klauna, Shirley Cimarron
Judge's signature

Donna Phillips Currault
United States Magistrate Judge
Printed name and title

Fcc _____
 Process Acc' USM
 Dkt'd. _____
 CrRmDep. _____
 Doc. No. _____